

REMARKS

I. Introduction

Claim 15 is pending and stands rejected. Claims 2-8, 10-14 were withdrawn by the Examiner.¹ Claims 16-40 are added. Consequently, claims 15-40 are at issue. Claims 15, 16, and 33 are now the only independent claims. The applicant wishes to note at the outset that all claims comport with claim 15 as originally presented because claim 15 presented in the last amendment included a moveable barrier operator with the battery backup connected to a plug on the operator.

II. The 103 Rejection and claim objection

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,401,895 to Petkovsek in view of U.S. Published Application No. 2003/0063715 to Peplinski. This rejection is traversed for the reasons stated below.

The Examiner objected to claim 15 because it first recited “a barrier movement operator” and then “a movable barrier operator.” The applicant has amended the claim to make the terms consistent and it is submitted that this amendment obviates the objection to claim 15.

III. The References

As will be explained in more detail below, the references alone or in combination do not describe:

- a combination of an isolation device with an impedance element between a load and a battery backup power supply;
- a combination of an isolation device with an impedance element between a moveable barrier operator and a battery backup power supply;

¹ The Applicant notes that the Examiner made a restriction requirement in the previous office action between claim 15 and claims 2-8 and 10-14. The Examiner then unilaterally withdrew claims 2-8 and 10-14 without affording the applicant a chance to make an election, amendment, or any other type of response. The applicant disagrees with the Examiner's conclusions/actions regarding the restriction and “election” including the withdrawal of the claims and notes that the applicant should have been given a chance to respond and make an election.

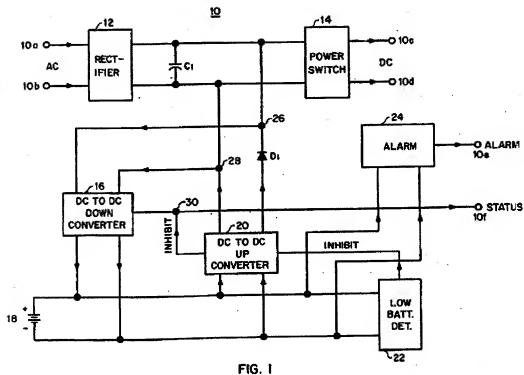
- a plug which includes a receptacle which couples a load with the battery back up power supply;
- a plug which includes a receptacle which couples a movable barrier operator with the battery backup power supply;
- an isolation device with an impedance element configured to isolate a load from the battery back up when current is not required from the battery backup, but also to isolate the battery backup from the dc power supply of the load to guard the battery backup from over charging; and
- an isolation device with an impedance element configured to isolate the moveable barrier operator from the battery backup when current is not required from the battery backup, but also to isolate the battery back up from the dc power supply of the moveable barrier operator to guard the battery backup from over charging.

(1) Petkovsek

Petkovsek does not suggest a combination of an isolation device (e.g., diode) and impedance element between a movable barrier operator (or any load) and a power supply with the movable barrier connected to the battery back up power supply via a plug. To the contrary, no impedance element is shown anywhere in Petkovsek's system let alone between a backup power supply and a load. Further, Petkovsek does not describe any plug arrangement and the reference certainly does not suggest a plug between a battery backup power supply and a load or a moveable barrier operator.

Petkovsek teaches supplying DC power to a load. As shown in FIG. 1 of Petkovsek (reproduced below for the convenience of the Examiner), a dc-to-dc up converter 20 is connected between a battery 18 and a power switch 14. When the main supply fails, voltage is drawn from the battery 18 and substantially increased by the dc-to-dc up converter 20 before it reaches the power switch 14 (and thereby the outputs 10c and 10d). The path from the battery 18 to the power switch 14 includes a diode D1 and the dc-to-dc up converter 20. As described by Petkovsek, the battery voltage is increased to a level of more than 240 volts

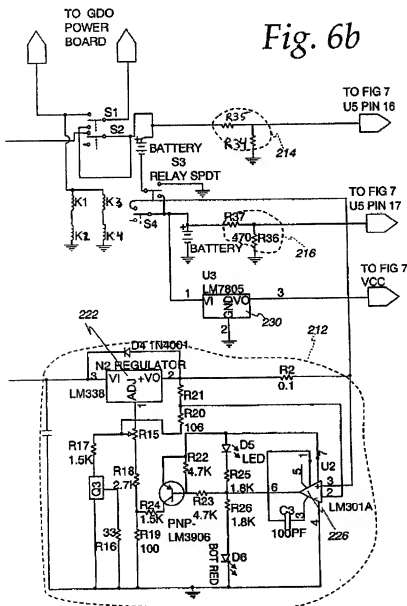
by the dc-to-dc up converter 20. See Petkovsek, col. 4, lines 59-67. The diode D1 is not part of any external device powered by the Petkovsek system via the outputs 10c and 10d.



(2) Peplinski

Peplinski does not suggest a combination of an isolation device (e.g., diode) and impedance element between a movable barrier operator (or any load) and a power supply with the movable barrier connected to the battery back up power supply via a plug. To the contrary, the diode bridge in Peplinski's system is not used to achieve isolation, but to rectify an ac voltage to a dc voltage. Nor does Peplinski use plugs as claimed herein. There are no plugs in Peplinski connecting the moveable barrier operator and a battery back up power supply. Indeed there is only one plug 170 in Peplinski and this plug connects the moveable barrier operator controller to an external power source not a back up power supply.

Peplinski describes a system for supplying battery back-up power that is controlled by switches (i.e., switches S1, S2, S3, and S4) is described. See FIG. 6b of Peplinski reproduced below for the convenience of the Examiner. During ordinary operation of the garage door operator (no mains power failure), the batteries B1 and B2 are connected to the battery chargers 210 and 212 and this allows charging.



When the garage door operator experiences a loss of external power, this loss of power cycles relays K1, K2, K3, and K4 to operate the corresponding switches S1, S2, S3, and S4. In this situation, the batteries B1 and B2 are disconnected from the battery chargers 210 and 212. Switches S2 and S4 are switched to the open position to disconnect batteries B1 and B2 from their respective battery chargers 210 and 212. Then, back-up power is supplied to the garage door operator components. Switch S1 is closed to connect the batteries B1 and B2 to the garage door operator components and switch S3 is closed to connect the batteries B1 and B2 to each other so that they operate in series. See Peplinski, paragraphs 37-38. No isolation device is used within the Peplinski system.

IV. The Claims Are Non Obvious Over The References.

The applicants note that the Examiner objected to the term “for use” with a movable barrier operator in claim 15 and stated that this element did not “breathe life” into the claim. Claim 15 has been amended to recite the backup power supply is connected to the movable barrier operator. And as already mentioned, new claims 16-40 recite the combination of a movable barrier operator and a backup power supply that combination also previously presented in claim 15.

Turning now to the art-based rejections, neither of the references teaches or suggests the combination of an isolation device with an impedance element connected between a movable barrier operator (or any load) and a battery backup power supply as recited in claim 15. To the contrary, Petkovsek does not show an impedance element at all. As for Peplinski, no isolation device is described and, hence, no combination of an isolation device and impedance element is disclosed as being disposed between a battery backup and a load.

Further, neither reference teaches an isolation device with an impedance element configured to isolate a movable barrier operator or other load from the battery back up when current is not required from the battery backup, but also to isolate the battery backup from the dc power supply of the of the movable barrier operator to guard the battery backup from over charging all as recited in claim 15. To the contrary, Petkovsek does not even show an

impedance element. As for Peplinski, no isolation device is described and, consequently, no isolation can be achieved as claimed.

Additionally, neither reference teaches or suggests a plug that includes a receptacle which couples a load with the battery back up power supply also as recited in claim 15. To the contrary, no plugs are used in the Petkovsek system. As for Peplinski, only one plug 170 is used and this plug connects the moveable barrier operator controller to an external power source not a back up power supply.

Consequently, since at least one element of claim 15 is not taught or suggested by the references, it is submitted that the claim 15 is allowable. Independent claims 16 and 33 have recitations similar to claim 15 and are submitted to be allowable for the same reasons as claim 15. The remaining claims depend directly or indirectly on the independent claims and are submitted to be allowable for the same reasons as the independent claims.

V. Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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